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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,736	01/07/2004	Janani Janakiraman	AUS920030979US1	4736
35525	7590	01/26/2006	EXAMINER	
IBM CORP (YA)			GAUTHIER, GERALD	
C/O YEE & ASSOCIATES PC			ART UNIT	
P.O. BOX 802333			PAPER NUMBER	
DALLAS, TX 75380			2645	

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/752,736

**Applicant(s)**

JANAKIRAMAN ET AL.

**Examiner**

Gerald Gauthier

**Art Unit**

2645

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

### A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-21 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claim(s) 1-4, 6, 8-13, 15-18 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf (US 5,737,393) in view of Peon et al. (US 6,978,129 B1).

Regarding **claim(s) 1 and 17**, Wolf discloses a method for integrating with a telephone call tree (FIG. 2 and column 1, lines 9-11), comprising the steps of:

accessing a telephone call tree associated with an automated telephone answering service (FIG. 2 and column 1, lines 9-11);

downloading a copy of said telephone call tree to form a downloaded call tree (FIG. 2 and column 3, lines 50-67);

identifying a plurality of nodes of said downloaded call tree said plurality of nodes of interest to a user of said telephone call tree (FIG. 2 and column 3, lines 57-67);

deleting, from said downloaded call tree, nodes that are not in said plurality of nodes to produce an individualized call trees (FIG. 2 and column 4, lines 1-8);

associating an instruction set with a node of said plurality of nodes, said instruction set mapping said node to a respective node of said telephone call tree (FIG. 2 and column 4, lines 9-27).

Wolf discloses the call tree being modified by the user but fails to disclose storing said individualized call tree at a location accessible to a calling device.

However, Peon teaches storing said individualized call tree at a location accessible to a calling device (column 7, lines 52-57); and

wherein a user of said calling device interacts with said telephone call tree through said individualized call tree (column 8, lines 5-13).

Regarding **claim(s) 21**, Wolf discloses a method, further comprising the step of: wherein at the time said telephone call tree is accessed, if a determination is made that

said telephone call tree has been previously accessed by said calling device retrieving said individualized call tree and displaying said individualized call tree on said calling device (column 3, lines 57-67).

Regarding **claim(s) 2, 12 and 18**, Wolf discloses a method, wherein the accessing step accesses a hyper-link, said hyper-link including a network address associated with said telephone call tree (FIG. 1A and column 3, lines 57-67).

Regarding **claim(s) 3, 16 and 19**, Wolf discloses a method, further comprising the steps of assigning a respective identifier to each node of said plurality of nodes (FIG. 1A and column 4, lines 9-27).

Regarding **claim(s) 4**, Wolf discloses a method, wherein the accessing step accesses a data storage location associated with the automated telephone answering system and the downloading step downloads said copy of said telephone call tree from said data storage location (FIG. 2 and column 7, lines 11-30).

Regarding **claim(s) 6 and 15**, Wolf discloses a method, wherein the steps are performed with a computer (FIG. 1A and column 3, lines 9-30).

Regarding **claim(s) 8**, Wolf discloses a method, wherein said respective identifier comprises a respective number associated with said each node of said plurality of nodes (FIG. 1A and column 4, lines 38-50).

Regarding **claim(s) 9**, Wolf discloses a method, wherein said instruction set comprises a set of software instructions (FIG. 1A and column 3, lines 9-30).

Regarding **claim(s) 10**, Wolf discloses a method, wherein said instruction set comprises a software macro (FIG. 1A and column 3, lines 9-30).

Regarding **claim(s) 11**, Wolf in combination with Peon disclose all the limitations of **claim(s) 11** as stated in **claim(s) 1'** s rejection above and furthermore Wolf discloses an automated telephone answering system (26 on FIG. 1A) and a communication unit (24 on FIG. 1A).

Regarding **claim(s) 13**, Wolf discloses a system, wherein said communication unit is further operable to: retrieve a call tree chosen from the group consisting of said individualized call tree and said telephone call tree (FIG. 5 and column 6, lines 11-28); and

display said call tree (FIG. 5 and column 6, lines 11-28).

5. **Claim(s) 5, 14 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf in view of Peon as applied to **claim(s) 1, 11 and 17** above, and further in view of Espejo et al. (US 6,748,066 B1).

Regarding **claim(s) 5 and 14**, Wolf in combination with Peon as applied to **claim(s) 1 and 11** differs from **claim(s) 5 and 14** in that it fails to disclose the steps are performed with a wireless telephone.

However, Espejo teaches a method, wherein the steps are performed with a wireless telephone (FIG. 2 and column 3, lines 57-66).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Wolf in combination with Peon using the wireless interactive voice response system as taught by Espejo.

This modification of the invention enables the system to perform with a wireless telephone the invention so that the user would have a prepaid service in its mobile phone.

Regarding **claim(s) 20**, Espejo teaches a method, wherein the steps are performed with a wireless communication device (FIG. 2 and column 3, lines 57-66).

***Response to Arguments***

6. Applicant's arguments with respect to **claim(s) 1-6 and 8-21** have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

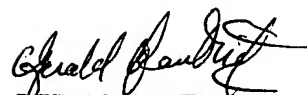



Art Unit: 2645

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**GERALD GAUTHIER**  
**PATENT EXAMINER**  
g.g.  
January 23, 2006

  
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